

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

FILED
2005 OCT 14 PM 12:41
CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

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In re:

Chapter 11

ETOYS, INC., et al.,

Case Nos. 01-0706 (MFW)

Debtors.

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RE: The Court's Decision in the matter(s) of Non-Disclosure, Conflict(s) of Interest, Disqualification, Disgorgement of Fees, Barry Gold, Traub Bonacquist & Fox and Morris Nichols Arshl & Tunnel, which was handed down by the Delaware Bankruptcy Court in Wilmington Delaware on October 4, 2005, by the Honorable Chief Federal Judge Mary F. Walrath.

NOTICE OF APPEAL INTENT

Whereas I, Robert Alber, being a party of Interest, and Plaintiff, thereby Appellant, do hereby state to all parties concerned that I do this day Appeal and seek upper Court review of the Opinion and Order handed down by the Federal Bankruptcy Court of Wilmington Delaware on October 4, 2005 concerning the matter of Non Disclosure, Conflict of Interest, Disgorgement, Disqualification and Fraud by Her Honor Walrath In re: eToys DE Fed. Dist 01-706 thru 01-709 jointly administrated.

In compliance with Rule 8000 concerning the timely filing of Appeal Notice within 10 days of such Order I submit the filing fee of \$255 and deliver to the Clerk by Overnight Certified Delivery this Intent to Appeal which is processed this the 13th Day of October 2005 and is within the Timeline which in accordance with Rule 8000 would be October 14th, 2005.

Dated:

Wednesday, October 13th, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert K. Alber", written over a horizontal line.

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